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## FACSIMILE COVER SHEET

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SUBJECT:    USSN 09/271,581
            Attorney Docket No. DC-01492
            Customer No. 33438

This transmittal consists of 10 pages, including this cover sheet.

MESSAGE:

Enclosed for filing in USSN 09/271,581, please find a Reply Brief (9 pages). Thank you.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | |
|---|---|
| Applicant: | Anil V. Rao, Wayne R. Weilnau |
| Assignee: | Dell USA L.P. |
| Title: | System and Method for Installing System Manufacturer Provided Software |
| Serial No.: | 09/271,581    Filed:    March 18, 1999 |
| Examiner: | Benjamin E. Lanier    Group Art Unit:    2132 |
| Docket No.: | DC-01492    Customer No.:    33438 |

Austin, Texas
October 12, 2004

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## REPLY BRIEF UNDER 37 CFR § 1.193

Dear Sir:

Applicants submit this Reply Brief pursuant to the Examiner's Answer mailed in this case on August 9, 2004. It is believed that no fees are due in connection with the filing of this Reply Brief, however, the Commissioner is authorized to deduct any amounts required for this Reply Brief and to credit any amounts overpaid to Deposit Account. No. 502264.

### Remarks

In the Response to Arguments section of the Examiner's Answer, the Examiner sets forth:

> Applicant's argument that the Kubota reference discloses and relates solely to microprocessors and that providing manufacturer specific identification information identifying a computer system manufacturer is patently distinct from uniquely identifying a particular microprocessor is not persuasive because Applicant is not claiming providing manufacturer specific identification information identifying the manufacturer of a personal computer system that is user interface able, which is the apparent intention based on Applicant's arguments. The microprocessor of Kubota meets the claim limitation of a computer system using a broad by reasonably interpretation. This

-1-

microprocessor is encoded with a unique code at the time of its manufacture (Abstract), which would meet the limitation of providing manufacturer specific identification information identifying a computer system manufacturer (Examiner's Answer Page 10).

However, it is Applicants' position that because Kubota discloses and relates solely to microprocessors Kubota does not provide any disclosure relating to computer systems, much less to identifying a particular computer system manufacturer. It is further Applicants' position that the claims do specify that the computer system information includes manufacturer specific identification information identifying the computer system manufacturer. Applicants respectfully submit that providing manufacturer specific identification information identifying a computer system manufacturer is patentably distinct from uniquely identifying a particular microprocessor as disclosed in Kubota. Accordingly, Kubota does not teach or suggest all of the claim limitations of the claimed invention. (See M.P.E.P. 2143.03.)

The Examiner further sets forth:

> Applicant's argument that the Kubota reference does not disclose installing software onto a computer system manufactured by a computer system manufacturer is not persuasive because Kubota discloses that before the user obtains the software package they must identify to the supplier of the software the identification number of the user's specific microprocessor (Col. 3, lines 37-40). This identification number meets the limitation of manufacturer specific information. Once the software provider is given the identification information, the software supplier will then encrypt the software according to the code associated with that identification information. The software is then provided to the user. When the copy protected software is accessed by the appropriate microprocessor having the appropriate identification number, the key value associate with the microprocessor having the identification number is then used to decipher the software if the key value is correct. If the key value is incorrect, indicating that the software is not intended for that microprocessor, then the correct deciphering cannot occur (Col. 3, lines 40-50), which meets the limitation of installing software onto a computer system manufactured by a computer system manufacturer, and using a key to ensure that the software is installed only on a computer system manufactured by the computer system manufacturer. (Examiner's Answer Pages 10-11).

However, it is further Applicants' position that because Kubota discloses and relates solely to microprocessors, Kubota does not provide any disclosure relating to reading a configuration file that contains computer system information including manufacturer specific identification information identifying the computer system manufacturer, much less determining

-2 -

an encrypted key so as to ensure that software is installed only on a computer system manufactured by the computer system manufacturer.

The Examiner further sets forth:

> The above mentioned process involves the use of a key value or unique code that is integrated within microprocessor meets the limitation of the configuration file because Microsoft's Computer Dictionary defines a configuration file as a file that contains machine-read-able operating specifications for a piece of hardware or software or that contains information on another file or a specific user, such as the user's logon ID. The key value or unique code of Kubota is clearly machine-read-able code that contains cryptographic specifications for a piece of hardware and a piece of software, and therefore clearly meets the afore mentioned limitation. (Examiner's Answer Page 11).
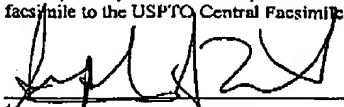
> Applicant's argument that the Kubota and Patterson reference do not disclose determining a key from one or more bytes from the configuration file including the manufacturer specific information identifying the computer system manufacturer is not persuasive because the key value or unique code of Kubota is used for the decryption (Abstract) and is therefore determined from one or more bytes of the configuration file. Kubota does not disclose that the key value or the unique code is stored in a registry file, but the Patterson reference discloses a system to regulate access to digital content where a registry file is used to store the unique coded key (Col. 3, lines 54-56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to store the key taken from the configuration file in Kubota in a registry file in order to lock the installed object to that particular machine as taught in Patterson (Col. 3, lines 56-63). For the above reasons, it is believed that the rejection should be sustained. (Examiner' Answer Pages 11-12).

However, it is Applicants' position that providing manufacturer specific identification information identifying a computer system manufacturer is patentably distinct from uniquely identifying a particular microprocessor as disclosed in Kubota. It is further Applicants' position that the deficiencies of Kubota are not resolved with Patterson. As with Kubota, Patterson provides no disclosure relating to providing manufacturer specific information identifying a computer system manufacturer.
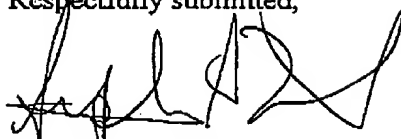
## CONCLUSION

For the above reasons as well as the reasons set forth in the Appeal Brief filed on July 20, 2004, Applicants respectfully submit that rejection of pending Claims 1 - 28 is unfounded. Accordingly, Applicants request that the rejection of claims 1 - 28 be reversed.

-3 -

I hereby certify that this correspondence is being sent via
facsimile to the USPTO Central Facsimile on October 12, 2004.

_____    10/12/04
Attorney for Applicant        Date of Signature

Respectfully submitted,

Stephen A. Terrile
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Reg. No. 32,946

-4-

## APPENDIX "A"

1.      A method of selectively installing software onto a computer system manufactured by a computer system manufacturer, said method comprising:

reading a configuration file that contains computer system information, the computer
system information including manufacturer specific identification information
identifying the computer system manufacturer;

determining an encrypted key from one or more bytes from the configuration file
including the manufacturer specific identification information;

deciphering data stored on a nonvolatile storage device using the key so as to ensure that
the software is installed only on a computer system manufactured by the computer
system manufacturer.

2.      The method, as recited in claim 1, wherein the configuration file includes a BIOS memory file.

3.      The method, as recited in claim 2, wherein the BIOS memory file is stored in nonvolatile memory connected to the computer system.

4.      The method, as recited in claim 1, further comprising:
storing the key in a registry file.

5.      The method, as recited in claim 1, further comprising:
copying the deciphered data onto another nonvolatile storage device connected to the
computer system.

6.      The method, as recited in claim 1, further comprising:
checking the authenticity of the key.

7.      The method, as recited in claim 1, wherein the reading and the determining are performed by a software program stored in a dynamic linked library.

-5 -

8. The method, as recited in claim 1, wherein the nonvolatile storage device includes:

a CD-ROM device; and

a CD-ROM.

9. The method, as recited in claim 1, wherein the nonvolatile storage device stores the data on a Web Page that is accessible on a global computer network.

10. A computer system for selectively installing software, the computer system being manufactured by a computer system manufacturer, the computer system comprising:

a processor;

nonvolatile memory operatively coupled to the processor;

a nonvolatile storage device;

one or more configuration files, the one or more configuration files containing computer system information, the computer system information including manufacturer specific identification information identifying the computer system manufacturer;

a computer program executable by the processor, wherein the computer program is capable of reading a configuration file stored in the nonvolatile memory, determining an encrypted key from one or more bytes read from the configuration file including the manufacturer specific identification information;

wherein the encrypted key is capable of deciphering data stored on the nonvolatile storage device so as to ensure that the software is installed only on a computer system manufactured by the computer system manufacturer.

11. The computer system, as recited in claim 10, wherein the configuration file includes a BIOS memory file.

12. The computer system, as recited in claim 10, further comprising:

a second nonvolatile storage device; and

a registry file stored on the second nonvolatile storage device;

wherein the encrypted key is stored in the registry.

-6-

13.  The computer system, as recited in claim 10, further comprising:
a second nonvolatile storage device that stores the deciphered data.

14.  The computer system, as recited in claim 10, wherein the computer software is further capable of checking the authenticity of the encrypted key.

15.  The computer system, as recited in claim 10, wherein the software program is located in a dynamic linked library.

16.  The computer system, as recited in claim 10, wherein the nonvolatile storage device includes:
a CD-ROM device; and
a CD-ROM.

17.  The computer system, as recited in claim 10, wherein the nonvolatile storage device stores the data on a Web Page that is accessible on a global computer network.

18.  A method of selectively installing software onto a computer system manufactured by a computer system manufacturer, said method comprising:
reading a configuration file that contains computer system information, the computer system information including manufacturer specific identification information identifying the computer system manufacturer;
determining a key from one or more bytes from the configuration file including manufacturer specific information;
storing the key in a registry file.

19.  The computer readable medium, as recited in claim 18, wherein the configuration file includes a BIOS memory file.

20.  A computer readable medium for selectively installing software onto a computer system manufactured by a computer system manufacturer, the computer readable medium comprising:

-7-

means for reading a configuration file that contains computer system information, the
     computer system information including manufacturer specific identification
     information identifying the computer system manufacturer;

means for determining a key from one or more bytes from the configuration file including
     the manufacturer specific identification information;

means for storing the key in a registry.

21.     The computer readable medium, as recited in claim 20, wherein the configuration
file includes a BIOS memory file.

22.     A computer system for selectively installing software onto a computer system
manufactured by a computer system manufacturer, the computer system comprising:

means for reading a configuration file that contains computer system information, the
     computer system information including manufacturer specific identification
     information identifying the computer system manufacturer;

means for determining a key from one or more bytes from the configuration file including
     the manufacturer specific identification information;

means for storing the key in a registry.

23.     A method of installing software onto a computer system manufactured by a
     computer system manufacturer after a sale of the computer system, the computer
     system including computer system information including manufacturer specific
     identification information identifying the computer system manufacturer, said
     method comprising:

providing encrypted data and an unencrypted setup program to the computer system, the
     encrypted data including software application files;

reading a configuration file that contains the computer system information via the
     unencrypted setup program;

determining an encrypted key from one or more bytes from the configuration file
     including the manufacturer specific identification information;

deciphering the encrypted data stored using the encrypted key so as to ensure that the

-8 -

software application files are installed only on a computer system manufactured by the computer system manufacturer.

24. The method of selectively installing software of claim 1 wherein the reading, determining and deciphering are performed via a setup program.

25. The computer system of claim 10 wherein the computer program includes a setup program, the setup program performing the reading and determining.

26. The method of selectively installing software of claim 18 wherein the reading, determining and deciphering are performed via a setup program.

27. The computer readable medium of claim 20 further comprising a setup program, the setup program including the means for reading the configuration file and the means for determining the key.

28. The computer system of claim 22 further comprising a setup program, the setup program including the means for reading the configuration file and the means for determining the key.

-9 -